

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
July 31, 2006

D048415 In re Jocelyn M. et al., Juveniles

The appeal is dismissed. Huffman, Acting P.J.; We Concur: McDonald, J., McIntyre, J.

D048784 In re Bousamra on Habeas Corpus

The petition is denied.

D047244 In re Frederick C., a Juvenile

The court and the California Youth Authority are directed to correct the commitment form to reflect Frederick is a person with exceptional needs. In all other respects, the judgment is affirmed. McConnell, P.J.; We Concur: Benke, J., O'Rourke, J.

D048824 CEFS Inc., et al. v. Superior Court of the County of San Diego/Creative Capital Leasing Group, LLC

Real party in interest Creative Capital Group, LLC is directed to file a preliminary opposition to the petition on or before August 4, 2006. No extension of time will be granted except upon a showing of extraordinary good cause made by an attorney who is counsel of record.

D048664 In re Eberle on Habeas Corpus

The petition for writ of habeas corpus in In re Eberle (D048664) is consolidated with the appeal in People v. Eberle (D046127) for disposition.

D046127 People v. Eberle

D048664 In re Eberle on Habeas Corpus

(Consolidated cases) The conviction for assault to commit a felony (rape) is reversed and the trial court is directed to prepare an amended abstract of judgment so indicating and is further directed to forward a certified copy of the amended abstract to the Department of Corrections. In all other respects, the judgment is affirmed. The petition for writ of habeas corpus is denied. McConnell, P.J.; We Concur: O'Rourke, J., Irion, J.

D048666 Dardeen et al. v. Superior Court of San Diego/FMI Inc., et al.

The petition is denied.

D049056 People v. Najmi

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
August 1, 2006

D047002 Smith v. Choate et al.

The judgment is affirmed. Mark Choate and Krueger & Choate are awarded costs on appeal. O'Rourke, J.; We Concur: Nares, Acting P.J., McDonald, J.

D047845 In re Anthony O., Minor

The judgment is affirmed. O'Rourke, J.; We Concur: Benke, Acting P.J., Irion, J.

D048266 In re Kayla W., a Juvenile

The appeals are dismissed. McConnell, P.J.; We Concur: McDonald, J., Irion, J.

D049066 People v. Rodriguez

The appeal is dismissed as untimely. (Cal. Rules of Court, rule 30(a) & (b)).

D047383 Roze v. Department of Motor Vehicles

The judgment is affirmed. CERTIFIED FOR PUBLICATION. O'Rourke, J.; We Concur: McDonald, Acting P.J., McIntyre, J.

D046684 Sourcinglink.Net, Inc. v. Oracle Corporation et al.

The judgment is affirmed. O'Rourke, J.; I concur: Benke, J., concurring and dissenting: Nares, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
August 2, 2006

D047396 People v. Arbuckle

The judgment is affirmed. McConnell, P.J.; We Concur: Haller, J., McIntyre, J.

D046973 In re Alonso C., a Juvenile

The judgment is affirmed. McIntyre, J.; We Concur: Nares, Acting P.J., Irion, J.

D047789 In re Jamie P., a Juvenile

We reverse the juvenile court's December 1, 2005, orders insofar as they required Ming's visitation be supervised, and affirm the orders in all other respects. We remand the matter to the juvenile court with directions to vacate the orders insofar as they require supervised visitation and enter new orders providing that Ming's visitation is to be unsupervised. The stay issued by this court on July 6, 2006, is vacated.

D048088 In re Susana S. et al., Juveniles

The orders are affirmed. Haller, Acting P.J.; We Concur: McIntyre, J., Irion, J.

D048257 People v. Moreno

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rules 33(c)(5) and 17. The appeal is dismissed.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
August 3, 2006

D048873 Kyle E. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Kyle E. has notified the court that a petition for writ of mandate under California Rules of Court, rule 38.1 and 1436.5 will not be filed as there are no viable issues for writ review. The case is dismissed.

D048971 Jason C. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Jason C. has notified the court that a petition for writ of mandate under California Rules of Court, rule 38.1 and 1436.5 will not be filed as there are no viable issues for writ review. The case is dismissed.

D048560 In re Jose N., a Juvenile

The appeal is dismissed. McDonald, J.; We Concur: McConnell, P.J., Haller, J.

D046317 Light v. Sterling & Reid Brothers Circus

The judgment is affirmed. Sterling & Reid Brothers Circus is awarded costs on appeal. O'Rourke, J.; We Concur: Nares, Acting P.J., McDonald, J.

D048548 In re Windy L., a Juvenile

The appeal is dismissed. Haller, Acting P.J.; We Concur: McDonald, J., O'Rourke, J.

D046670 Schmidt v. Schmidt

Respondent's motion to dismiss filed on June 27, 2005, was improvidently denied. The Court vacates the July 12, 2005, order denying the motion to dismiss. Upon review by the panel assigned to decide the appeal, the opposed motion to dismiss filed on June 27, 2005, and the opposed renewed motion to dismiss filed on November 18, 2005, are granted. The appeal is dismissed.

D049058 People v. Caldwell

The petition is denied.

D048223 In re Isaac S. et al., Juveniles

The order denying the section 388 petition is affirmed.

The order terminating parental rights is reversed and the case is remanded to the juvenile court with directions to order Agency to comply with the notice provisions of ICWA, the relevant case law interpreting ICWA, and the views expressed in this opinion. If, after proper inquiry and notice, a tribe claims Isaac and Nathan are Indian children, the juvenile court shall proceed in conformity with all provisions of ICWA. If, on the other hand, no response is received or no tribe claims that Isaac and Nathan are Indian children, the judgment terminating parental rights shall be reinstated. Benke, Acting P.J.; We Concur: Nares, J., Haller, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
August 3, 2006 (Continued)

D048022 In re Angelina G. et al., Juveniles
The petition for rehearing is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
August 4, 2006

D045659 County of San Diego v. Griffin

The order of the family court commissioner is reversed and the matter is remanded for further hearing. The parties shall bear their own costs on appeal. O'Rourke, J.; I Concur: Benke, Acting P.J.; I Concur in the Result: Irion, J.

D045999 People v. Derouen

The case is remanded to the trial court with directions to strike the one-year enhancement of defendant's sentence for his prior offense of manslaughter under Penal Code section 667.5, subdivision (b), and to send to the Department of Corrections a corrected abstract of judgment. In all other respects, the judgment is affirmed. Irion, J; We Concur: McDonald, Acting P.J., McIntyre, J.

D048119 In re Eunice B., a Juvenile

The orders are affirmed. Huffman, J.; We Concur: Benke, Acting P.J., Haller, J.

D047553 People v. Woslum

The judgment is affirmed. McConnell, P.J.; We Concur: Haller, J., Irion, J.

D048221 In re Luis B., a Minor

The judgment is affirmed. McIntyre, J.; We Concur: McDonald, Acting P.J., Irion, J.

D048324 In re Jeffrey R. on Habeas Corpus

D047850 In re E.R., a Juvenile

The petition for writ of habeas corpus, In re Jeffrey R., D048324, is consolidated with the appeal In re E.R., D047850, for disposition.

D048127 In re Selena E. et al, Juveniles

The orders are affirmed. Benke, J.; We Concur: McConnell, P.J., McDonald, J.

D046937 Hall v. Mansueto et al.

The award of \$20,000 for the cost of future hospitalization is reversed. In all other respects the judgment is affirmed. The parties shall bear their own costs on appeal. Nares, Acting P.J.; We Concur: McIntyre, J., O'Rourke, J.

D049091 Linda M. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The hearing scheduled for August 7, 2006 is stayed pending further order of this court. Counsel for the San Diego County Health and Human Services Agency, the father and the minor are directed to file informal letter brief responses to the petition on or before August 11, 2006.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
August 4, 2006 (Continued)

D048324 In re Jeffrey R. on Habeas Corpus

D047850 In re E.R., a Juvenile

The jurisdictional and dispositional orders entered on December 20, 2005, are vacated, and the matter is remanded to the superior court with directions to appoint new counsel for Jeffrey and to permit Jeffrey to withdraw his no contest plea. This opinion is final as to this court 10 days after the filing date. (Cal. Rules of Court, rule 24(b), (c)). The appeals are dismissed. O'Rourke, J.; We Concur: McConnell, P.J., Irion, J.

D048984 In re Nicholas on Habeas Corpus

At the request of petitioner, the petition for writ of habeas corpus is dismissed.

D049034 Sharp Memorial Hospital v. Superior Court of San Diego County/Segura et al.

For good cause shown the Superior Court for the County of San Diego is ordered to show cause why the relief requested should not be granted. Absent objection on or before August 14, 2006, the briefs on file will be deemed the response and reply to the order to show cause.

Absent a written request on or before August 22, 2006, oral argument will be deemed waived. If a party requests oral argument, the request should be in letter form with proof of service on the other parties. The letter should also identify the focus of the party's argument and the amount of time requested, not to exceed 15 minutes. The stay issued July 27, 2006 remains in effect.

D049007 Jason A. v. Jessica A.

The petition is denied. The stay issued July 20, 2006 is vacated.

D046263 United Policyholders et al. v. Willis Group Holdings Limited et al.

The parties' August 3, 2006, stipulation to dismiss the appeal is ACCEPTED. This court's order dated July 6, 2006, placing the above-entitled case on calendar for Monday, August 14, 2006, is VACATED. Pursuant to the stipulation, the appeal is DISMISSED with prejudice, each side to bear its own costs. The remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 20(c)(2)).